

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

Blue Spike, LLC,

*Plaintiff,*

v.

Texas Instruments, Inc., et al.,

*Defendants.*

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

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**ORDER GRANTING COUNTERDEFENDANT SCOTT MOSKOWITZ'S  
MOTION TO DISMISS SHAZAM ENTERTAINMENT LTD.'S  
COUNTERCLAIMS**

On this day came for consideration Counterdefendant Scott Moskowitz's ("Moskowitz's") Motion to Dismiss Defendant Shazam Entertainment Ltd.'s ("Defendant's") Counterclaims in the above-captioned proceeding pursuant to Federal Rules of Civil Procedure 12(b)(6). Having considered both Moskowitz's motion and supporting papers, and Defendant's opposition and supporting papers, the Court is of the opinion that said motion should be GRANTED.

Defendant Shazam fails to adequately plead all elements of a Lanham Act claim, and most of the statements Defendant identifies are not actionable under 15 U.S.C. §1125(a). Furthermore, Defendant has failed to provide any reason why this Court should hold Mr. Moskowitz personally liable for the actions of Blue Spike.

IT IS HEREBY ORDERED that Counterdefendant Moskowitz's Motion to Dismiss is hereby granted pursuant to Federal Rules of Civil Procedure 12(b)(6).

IT IS SO ORDERED.